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**IN THE UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

IRENE THOMAS
xxx-xx-7211

Plaintiff,

v.

MICHAEL J. ASTRUE
Commissioner of Social Security
of the United States of America,

Defendant.

Case No. C07-06059 WHA

**COMPLAINT FOR JUDICIAL
 REVIEW OF DECISION OF
 COMMISSIONER OF SOCIAL
 SECURITY**

Preliminary Statement

1. Plaintiff Irene Thomas, brings this action under the Social Security Act, 42 U.S.C. §§ 1383 (c)(3) and 405(g), for judicial review of a final decision of defendant Michael J. Astrue, Commissioner of Social Security, denying for lack of disability Ms. Thomas' claim for Social Supplemental Security Disability Income benefits under Titles II and XVI of the Social Security Act, 42 U.S.C. §§ 401 *et seq.* and §§ 1381 *et. seq.*

Jurisdiction and Venue

2. Jurisdiction is conferred on this court by 42 U.S.C. §§ 1383 (c)(3) and 405(g).
 3. Plaintiff Irene Thomas, is a resident of San Leandro, CA, Alameda County which is located in the Northern District of California, and thus venue in this district is proper.

Parties

4. Plaintiff Debra Irene Thomas, is an applicant for Social Security disability benefits. She

1 is low income with few resources. Her Social Security number is xxx-xx-7211.

2 5. Defendant Michael J. Astrue is the duly appointed Commissioner of Social Security for
3 the United States of America and is sued in her official capacity.

4 **Factual Allegations**

5 6. Ms. Thomas applied for Social Security Disability Insurance benefits which defendant's
6 denied on the basis that Ms. Thomas lacked the requisite disability. Ms. Thomas formally requested a
7 hearing on the denials but the ALJ issued a decision denying Ms. Thomas' Social Security Disability
8 benefits. Ms. Thomas requested review by the Appeals Council and on October 3, 2007 the Appeals
9 Council denied review.

10 **Claim for Relief**

11 7. There is substantial evidence in the record to support a finding that Ms. Thomas was
12 disabled at all relevant times and that Defendant's conclusions and findings are not supported by
13 substantial evidence.

14 **Prayer for Relief**

15 WHEREFOR, plaintiff Irene Thomas, prays that this Court:

16 1. Reverse defendant's decision insofar as it denies, on the grounds of lack of disability or
17 failure of proof thereof, Social Security Disability benefits to Ms. Thomas;

18 2. Find and order that plaintiff was and is disabled within the meaning of the Social Security
19 Act and regulations. Or, in the alternative remand Ms. Thomas' case to the Social Security
20 Administration for further hearing

21 3. Award plaintiff her attorneys' fees and costs of suit pursuant to 5 U.S.C. § 504, 28 U.S.C.
22 § 2412 and Rule 54(d) of the Federal Rules of Civil Procedure, and grant such other and further relief
23 as the court deems just and proper.

24 Dated: November 29, 2007

Respectfully submitted,

25 LAW OFFICE OF
26 BESS M. BREWER & ASSOCIATES

27 By: /s/ Bess M. Brewer
28 BESS M. BREWER
Attorneys for Plaintiff